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UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/704,755	11/03/2000	Hideaki Furukawa	35.C10563 REI	4371

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EXAMINER
PAN, DANIEL H

ART UNIT	PAPER NUMBER
2183	

DATE MAILED: 06/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)
Office Action Summary		09/704,755	FURUKAWA, HIDEAKI
		Examiner	Art Unit
		Daniel Pan	2183

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>21 February 2006</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-86 and 138-153</u> is/are pending in the application.

    4a) Of the above claim(s) <u>87-137</u> is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-86 and 138-153</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>03 November 2000</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☒ Certified copies of the priority documents have been received in Application No. <u>08/413,432</u>.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

1.   Claims 1-86, 138-153 are presented for examination. Clams 87-137 have been

canceled.

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of
matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the
conditions and requirements of this title.

2.   Claims 17, 53 are rejected under 35 U.S.C. 101 because the claimed

invention is directed to non-statutory subject matter. The reasons are given blow.

3.   As to claims 17, 53, no physical transformation can be found in the claim.

Furthermore, no substantial practical application can be found in the claim. Although the

claim recites the request for the transfer of the control program for controlling the

peripheral processing apparatus, no details of the peripheral processing apparatus can

be found in the claim. Although claim recites the building of the control program (see

lines 9-11) and the generating of the control data in the operating system (lines 12-14),

no details of the control program, nor the data can be found in the claim. Therefore,

the information apparatus requesting the transfer of the control program could be a

program construct itself with no useful, tangible, and concrete results. The focus is not

one the features of steps taken to achieved a final result which is useful, tangible, and

concrete, but rather the final result achieved is useful, tangible, and concrete (see

Interim 101 Guidelines page 20 publishes at www.uspto.gov). It is not useful because

no substantial practical application can be found in the claim. It is not tangible because

it present no detail structure of the output control apparatus and is directed to an

abstract algorithm. It is not concrete because the control program built in the operating

system is unpredictable, and therefore the transmission of the control data.

4.   The dependent clam 18 , for example, is not rejected under "101" because it

recite the printer drive executed by the information apparatus. Claim 138, 146 are not

being rejected under "101" because it has the control step for controlling the

transmission upon the determination of the count value and the initialization of the

trouble count value upon the determination of the count value and the repeatedly

performed operations of the transmission and initialization. However, examiner would

like to suggest change "operable" to a more defined term, such as "operated" in claim

146.

        The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 1-5, 35-41 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Gase (5,580,177) in view of Klotzbach et al. (5,410,754) .

6.   As to claims 1, 2, 35, 36,   Gase taught a peripheral processing apparatus (see

fig.1 [16][18][20][22]) connected to an information processing apparatus (see fig.1

[10][12][14] through a network, comprising:

a) storage means storing [34] a control program which the information processing

apparatus uses to control said peripheral processing apparatus (see the printer drives,

printer utilities in fig.1 [36],[38], see col.4, lines 1-26) ;

b) reception means [40] for receiving a transfer request from the information processing

apparatus requesting that the control program stored in said storage means [34] be

transferred to the information processing apparatus (see the client processors) through

the network (see request received by the print queue manage 40 in col.4, lines 3-9);

c) means for connecting to the information processing apparatus through the network

on the basis of the transfer request received by said reception means (see the

connection thought the network in col.6, lines 18-20); and

d) transfer means for transferring the control program (see the printer drives, utilities)

stored in said storage means [34] through the network to the information processing

apparatus (see client) in response to the transfer request   received by said reception

means (see request received by the print queue manage 40 in col.4, lines 3-9), so as to

allow the information processing apparatus to use the control program to generate

control data (see the queries) for controlling the peripheral processing apparatus,

which control data is subsequently to be transferred to said peripheral processing

apparatus through the network (see how the client processor requested the   updated

printer drives and utilities and loaded into the client processor in col.4, lines 20-34,

col.6, lines 3-48, see col.6, lines 12-15 for transferring the control program into the information apparatus, the client processor) .

7.   Gase did not specifically show the securing of a channel as claimed. However, Klotzbach taught a system for securing a channel on request   (col.6, lines 56-68). It would have been obvious to one of ordinary skill in the art to use Klotzbach in Gase for including the secure channel as claimed because the use of Klotzbach could provide Gase the ability to obtain   the network connection based on a predetermined requirement of the data transmission, such as a secure link , or channel, and it could be achieved by reconfiguring the control parameters for securing a channel in Klotzbach into Gase so the specific requirements of Klotzbach for securing a channel could be recognized by Gase, and because Gase also taught that his system could automatically make connection with his default peripheral device (see the automatic connection to the printer in col.3, lines 10-15), which was a suggestion of the need for securing a channel in order to connect to a specific peripheral device in a predefined default condition, for the above reasons , provided a motivation.

8.   As to claim 3, see reset condition of printer in col.5, lines 52-55.

9.   As to claims 4, 40,   see detected status in col.5, lines 32-57.

10.   As to claims 5,41, see how server 16 received the uploaded drives in col.4, lines 27-37, and the queries in col.6, lines 3-44.

11.   As to claims 37,38, Examiner holds that printer for printing image and copy machine were already known in the art .

12.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by
another filed in the United States before the invention by the applicant for patent or (2) a patent
granted on an application for patent by another filed in the United States before the invention by the
applicant for patent, except that an international application filed under the treaty defined in section
351(a) shall have the effects for purposes of this subsection of an application filed in the United States
only if the international application designated the United States and was published under Article 21(2)
of such treaty in the English language.

13.   Claims   6-12,16-29, 31,34, 42-48, 52-66,70-73,77-81, 85,86 are   rejected

under 35 U.S.C. 102(e) as being anticipated by Gase (5,580,177) .

14.   As to claims 6, 7,42,43, Gase taught at least :

a) storage means (34) storing a control program (see fig.1 [34]);

b) reception means for receiving a transfer request from the information processing

apparatus requesting that the control program stored in said storage means [34] be

transferred to the information processing apparatus (client processor) through the

network (see request received by the print queue manage 40 in col.4, lines 3-9, see the

fig.1 for the network);

c) transfer means for transferring the control program stored (see the printer

drives and utilities) the storage means [34] through the network to the information

processing apparatus in response to the transfer request (see request) received by the

reception means (see printer queue 40 for receiving request), so as to allow the

information processing apparatus to use the control program to generate control data

(see the queries) for controlling said peripheral processing apparatus, which control

data is subsequently to be transferred to the peripheral processing apparatus through

the network (see how the client processor requested the   updated printer drives and

utilities and loaded into the client processor in col.4, lines 20-34, col.6, lines 3-48, see

col.6, lines 12-15 for transferring the control program into the information apparatus, the

client processor);

d) unique information storage means [36][38] for storing information unique t o

the peripheral processing apparatus (see the respective printer drive and utility

programs in fig.1) ; and

e) control means for controlling said transfer means to transfer (see the loading

of the programs) the unique information stored in said unique information storage

means [36][38] through the network to the information processing apparatus in

response to said reception means receiving a transfer request from the information

processing apparatus requesting that the unique information be transferred to the

information processing apparatus (see how the client processor requested the   updated

printer drives and utilities and loaded into the client processor in col.4, lines 20-34,

col.6, lines 3-48, see col.6, lines 12-15 for transferring the control program into the

information apparatus, the client processor).

15.   As to claims 8,9, 44,45, 55,56, Examiner holds that printer for printing image and

copy machine were already known in the art .

16.   As to claim 10,11,46,47, 57, 58, see initialization condition and other status

conditions of the printer in col.5, lines 32-57).

17.   As to claims 12, 48, since no specific location of the printer is being recited in the

claim, examiner holds that a printer location in general had to be known for selection

purpose.

18.   As to claims 16, 52, see the paper jam in col.5, lines 54-57.

19.   As to claims 17, 19, 20, 53, 54, Gase taught :

a) request means (see client processor) for requesting the peripheral processing

apparatus to transfer a control program for controlling the peripheral processing

apparatus to said information processing apparatus through the network (see fig.1) ;

b) reception means for receiving the control program (see the downloaded printer

drives and utilities in col.6, lines 10-15) transferred from the peripheral processing

apparatus (see fig.1 16 and [18 20 22 as the functional parts])   through the network in

response to a request provided by said request means;

c) building means [14][28] for placing the control program received by said reception

means under the control of an operating system and building the received control

program in the operating system (see how the utilities run under Windows and DOS in

col.6, lines 53-67, col.7, lines 1-14) and

d) generation and transfer means [28][[24][26]   for generating control data for

controlling the peripheral processing apparatus using the control program built in the

operating system by said building means and transferring the control data through the

network to the peripheral processing apparatus (see col.4, lines 27-36, col.5, lines 58-

67, col.6, lines 53-67, col.7, lines 1-14).

20.   As to claim 18, see the drives and utilities in 14 in fig.1.

21.   As to claim 21, see the determination of the updated drives and utilities in col.6,

lines 3-44.

22.   As to claims 22, 23, 27, 59, 71, 72,73, 78, 79, Gase taught   at least :

a) request means (see client processor) for requesting the peripheral processing

apparatus (see fig.1 16, and the printers) to transfer a control program for controlling the

peripheral processing apparatus to said information processing apparatus through a

network;

a) reception means (see client processor and its storage in fig.1) for receiving the

control program transferred from the peripheral processing apparatus through the

network in response to a request provided by said request means (see request and

loading of the program in col.4, lines 3-37, col.6, lines 3-48);

b) storage means (see the storage of client processor) for storing the control program

received by said reception means; and generation and transfer means for generating

control data for controlling the peripheral processing apparatus using the control

program stored in said storage means and transferring the control data (see the

queries) through the network to the peripheral processing apparatus (see col.6, lines 3-

15, see also col.4, lines 50-54 for the reinstalled drives); wherein   the apparatus is

connected to a plurality of the peripheral processing apparatuses (see each   see each

[16][18] and [16][20] , [16][22]) through the network, wherein the request means

(client processor) requests each of the plurality of peripheral processing apparatuses to

transfer information unique to the peripheral processing apparatus (see respective

drives and utilities) to the information processing apparatus through the network (see

how drives and utilities loaded into client processor in col.6, lines 10-15) , and wherein

said reception means (see storage in the client processor) receives the unique

information transferred from each of the plurality of peripheral processing apparatuses

through the network in response to a request provided by said request means, and the

information processing apparatus further comprising:

a) second storage means for storing the unique information received by said reception

means (see one of the storage 24 and 26 in fig.1); and

b) selection means (see administrative utility 28) for selecting one of the plurality of

peripheral apparatuses based on the unique information stored in said second storage

means (see how 28 select the drives in col.27-38) , wherein said generation and

transfer means (see client processor) generates control data for controlling the one

peripheral processing apparatus selected by said selection means [28] based on the

control program stored in said storage means [24][26] and transfers the control data

through the network to the selected one peripheral processing apparatus (see the

uploaded drives in col.4, lines 27-34 by administrative utility 28).

23.   As to claims 24-26,61,62, Examiner holds that printer for printing image and

copy machine were already known in the art .

24.   As to claims 27,28, 29, 63, 64, 65, see initialization condition and other status

conditions of the printer in col.5, lines 32-57, see jam or stopped conditions for unable

to execute the processing).

25.   As to claims 31, 66, 81, since no specific location of the printer is being recited in

the claim, examiner holds that a printer location in general had to be known for

selection purpose.

26.   As to claims 34, 70, 77,85, see the paper jam in col.5, lines 54-57.

27.   AS to claim 80, 86, see the selections as the priorities in col.6, lines 18-52, see

also the status of the hierarchy in col.5, lines 20-31).

        Claims 13-15, 30,32,33, 49-51, 67-69 , 74-76, 82-84   are rejected under 35

U.S.C. 103(a) as being unpatentable over Gase (5,580,177) in view of Dennis

(5,337,258) .

28.   As to claim 13-15,30,32,33,49-51,67-69, 74-76, 82-84,   Gase did not

specifically show the running cost, the power consumption of his peripheral system as

clamed. However, Dennis taught a peripheral system for determining the running cost,

the power consumption and the trouble rate of a peripheral system (see col.37, lines 6-27) . It would have been obvious to one of ordinary skill in the art to use Dennis in Gase for including the running cost, the power consumption of the peripheral system as clamed because the use of Dennis could provide Gase the capability to estimate the operating and maintenance conditions of the peripheral system in Gase, and because Gase also taught the analysis of the status conditions of the printers, such as not connected, resetting, offline, by user (see col.5, lines 33-57), which was a suggestion of the desirability for determining the running cost and power consumptions of the peripheral device in order to monitor and maintain the printer in working order, in doing so, provided a motivation.

29.   Claims 138-153 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakahara et al. (5,172,244) in view of Sakata (4,905,098).

30.   As to claims 138,141, 142, 144, 145, 146, 149, 150,152, Nakahara disclosed at least :

a) a print update means for updating for each process a print count value indicating number of print (see fig.8B S20 SET NUMBER, see col.6, lines 9-39);

b) a trouble update means for updating for each print trouble (trouble indication in col.3, lines 55-64);

c) transmission means (see fig.8B [s32,s31] for transmitting trouble data (e.g. print

mode such as plotter number ps, number of copies) until the print count reaches a

predetermined value (s25) to a predetermined one of at least higher class apparatus

[px] (see fig.8A s10 for higher apparatus in order px+1, see the transmission of mode

data into the selected plotter ps in fig.8B, see col.6, lines 40-66, col.7,m lines 1-27);

d) reception means for receiving trouble data (see the flag indicating jam in col.6, lines

55-66);

e) displaying control means for comparison between the print count (see col.3, lines 55-

64).

31.   Nakahara did not specifically show his trouble data (see col.3, lines 60-65)

included a number of troubles as claimed. Nakahara showed the pint count and

updated count (see the set number and count number in col.3, lines 56-64, col.6, lines

9-39). However, Sakata disclosed a system including a trouble count (see the jam

counter in col.11, lines 18-34). It would have been obvious to one of ordinary skill in the

art to use Sakata in Nakahara for including the number of troubles as claimed because

the use of Sakata could provide Nakahara the ability to process the number of prints

based on an additional condition in order to track the number of prints with the

number of the troubled copies, such as the jammed paper, thereby increasing the

processing adaptability of Nakahara , and it could be readily achieved by predefining

the jam counter of Sakata with modified counter parameter (e.g. the counter port) into

Nakahara so the jam counter could be recognized by Nakahara to achieve the
enhanced adaptability.

32.   As to claims 139, 143, 147, Nakahara also initialized his print count (see fig.8B).

33.   As to claim 148, Nakahara also included unique information (see the plotter
number ps).

34.   As to claims 151, 153, Nakahara also included a selecting means for selecting
one of the apparatuses (see the automatic selection of idle plotter in col.6, lines 50-68,
col.7, lines 1-21).

35.   The prior art made of record and not relied upon is considered pertinent to
applicant's disclosure.

a) Smith et al. (5,253,152) is cited for the teaching of the securing the channel
in a peripheral network   (col.5, lines 38-55).

Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Dan Pan whose telephone number is 703 305 9696, or
the new number 571 272 4172. The examiner can normally be reached on M-F from
8:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Chan, can be reached on 703 305 9712, or the new number 571 272 4162.
The fax phone number for the organization where this application or proceeding is
assigned is 703 306 5404.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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